

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                           8:96CR96  
                                )  
v.                            )                           ORDER OF  
                                )  
EDWARD L. CLARK,            )  
                                )  
Defendant.                 )  
                                )  
\_\_\_\_\_

This matter is before the court after a hearing on November 21, 2011, on the government's motion for a writ of continuing garnishment, Filing No. 61. The government seeks to collect a judgment for restitution.

The government has shown that a judgment in the amount of \$63,000.00 was entered against the defendant on or about November 13, 1997, and there remains a balance owing of \$61,921.00, as of August 28, 2011. In answer to the writ, the garnishee employer, Mather Trucking, Inc., responds that the defendant's weekly net wages are \$555.41 per week. The government concedes that the defendant is entitled to a head of household exemption and asks the court to garnish 15% of the defendant's nonexempt wages. Based on the garnishee's answers, that sum is \$83.31 per week.

The defendant remains under the supervision of the court as part of his criminal sentence. The court has conferred with the defendant's probation officer concerning this matter. Also, the court has reviewed the evidence submitted by the defendant.

In consideration of the defendant's outstanding medical bills and other obligations, the recommendations of the probation officer, and the court's duty to supervise the defendant in his efforts to become a productive citizen, the court finds that garnishment in

the amount of \$41.00 per week is appropriate in this case. Accordingly, an order of continuing garnishment is ordered in the amount of \$83.31 per week from November 3, 2011, the date the garnishee was served with the writ of continuing garnishment, to the date of this order, and in the amount of 7.5% of the defendant's nonexempt earnings from the date of the defendant's first paycheck following the date of this order.

IT IS HEREBY ORDERED:

1. Garnishee Mather Trucking, Inc. shall withhold from the defendant's wages and transmit to the Clerk of Court the amount of \$83.31 per week from and after November 3, 2011, to the date of this order.
2. Garnishee Mather Trucking, Inc. shall withhold from the defendant's wages and transmit to the Clerk of Court the amount of 7.5% of the defendant's nonexempt earnings from and after the date of the defendant's first paycheck following the date of this order.

DATED this 5<sup>th</sup> day of December, 2011.

BY THE COURT:

s/Joseph F. Bataillon  
UNITED STATES DISTRICT JUDGE